THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.25431 of 2005

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Dated:30.11.2005

Between:

Sri Fayaz Basha, S/o. H. Nazeer Saab,
R/o. H.No. /119, Chinna Bazar, Tadipatri, Anantapur District.

..... PETITIONER

AND

The Commissioner, Tadipatri Municipality, at Tadipatri

Anantapur District.

.....RESPONDENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.25431 of 2005

ORDER:

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The petitioner is a resident of Chinna Bazar in Tadipatri of Anantapur District. He is the owner of shopping complex No.7/341, 7/448 situated at Navrang Talkies Road, Tadipatri, Anantapur District. He alleges that on 25.11.2005 the subordinate officials of the respondent-Municipality came to the petitioner's premises to demolish the shops without initiating any proceedings under the A.P.Municipalities Act, 1965 or the A.P.Land Encroachment Act, 1905. Apprehending damage to his property by reason of such alleged coercive action, the present writ petition is filed seeking a direction to the respondent not to demolish the shopping complex of the petitioner.

At the preliminary stage of hearing itself, the learned Standing Counsel for the respondent-Municipality, Sri S.I.Newton, obtained written instructions. Based on the

same, he submits that the officials of the respondent-Municipality never approached the petitioner's property either on 25.11.2005 or any other date, and the writ petition is filed by making wild and imaginary allegations with malice and to tarnish the image of the Municipality. The learned Standing Counsel also placed a copy of the instructions received by him.

After perusing the written instructions received by the learned Standing Counsel for the respondent-Municipality, this Court is convinced that the writ petition is filed on a mere apprehension without there being any cause of action.

The Writ Petition is therefore, dismissed. No costs.

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(V.V.S.RAO, J)

30.11.2005

vs